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| EXAMINER | |
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| HOLDER, ANNER N | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/757,496 | LIM ET AL. | |
| | Examiner | Art Unit | |
| | ANNER HOLDER | 2621 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *29 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### *Oath/Declaration*

3. The declaration filed on 08/29/08 under 37 CFR 1.131 is sufficient to overcome the Yokoyama reference.

### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-9 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory

process. For example there is no device recited within the claims to accomplish the method claimed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi US 6,693,510 B1.

8. As to claim 1, Yamaguchi teaches (a) confirming a support codec of the first mobile terminal serving as a transmitting side; [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] (b) confirming a support codec of the second mobile terminal serving as a receiving side; [abstract; abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] (c) determining whether or not the support codecs of the first and second mobile terminals are compatible; [col. 6 line 58 - col. 7 line 5] (d) if the support codecs of the first and second mobile terminals are compatible, transmitting the moving picture mail received from the first mobile terminal to the second mobile terminal; [abstract; figs. 1-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] (e) if the support codecs of the first and second mobile terminals are incompatible, transcoding the moving picture mail received from the first mobile terminal on the basis of the support codec of the second mobile terminal; [abstract; figs. 1-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] and (f) transmitting the transcoded moving picture mail to the

second mobile terminal. [abstract; figs. 1-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5; col. 7 lines 31-45]

Yamaguchi does not explicitly state the application moving picture mail or a second mobile terminal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the use of MPEG coding suggests motion picture application and the presence of the image station illustrated within figure 1 (6) as examiner understands represents a mobile device (i.e. laptop and/or camera) allowing for remote access and communication among multiple mobile devices.

9. As to claim 2, Yamaguchi teaches selecting a first codec corresponding to the support codec of the first mobile terminal and a second codec corresponding to the support codec of the second mobile terminal; [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] decoding the moving picture mail received from the first mobile terminal by means of the selected first codec; [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] and coding the decoded moving picture mail by means of the selected second codec. [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5]

10. As to claim 4, Yamaguchi teaches receiving a moving-picture mail transmission notification message from the first mobile terminal; [fig. 3; fig. 7; col. 6 lines 47 - col. 7 line 5; col. 8 line 51 - col. 9 line 14] and confirming the first mobile terminal's support codec information included in the moving-picture mail transmission notification message, [fig. 3; fig. 7; col. 6 lines 47 - col. 7 line 5; col. 8 line 44 - col. 9 line 14] (b)

further comprises the steps of: notifying the second mobile terminal of the fact that the moving picture mail has arrived; [fig. 3; col. 8 line 44 - col. 9 line 14] and receiving a response message from the second mobile terminal, and confirming the second mobile terminal's support codec information included in the response message. [fig. 3; col. 8 line 44 - col. 9 line 14]

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi US 6,693,510 B1 in view of Fukuhara et al. (Fukuhara) US 6,591017 B1.

12. As to claim 3, teaches a Joint Photographic Expert Group (JPEG) codec.

Yamaguchi is silent as to and the second codec comprises a wavelet codec.

Fukuhara teaches the use of a wavelet codec. [fig. 5; col. 12 lines 9-13]

It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Fukuhara with the device of Yamaguchi to allow for coding efficiency.

13. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi US 6,693,510 B1 in view of Lee et al. (Lee) US 6,023,296.

14. As to claim 5, Yamaguchi teaches the limitations of claim 2.

Yamaguchi is silent as to when the second mobile terminal requests that the moving picture mail be transmitted, transmitting the moving picture mail at a preset transmission rate; and checking buffering information of the moving picture mail fed from the second mobile terminal, newly setting the transmission rate according to a change of the buffering information, editing the moving picture mail according to the newly set transmission rate, and performing a transmission operation.

Lee teaches when the second mobile terminal requests that the moving picture mail be transmitted, transmitting the moving picture mail at a preset transmission rate; [fig. 5; col. 12 lines 8-51] and checking buffering information of the moving picture mail fed from the second mobile terminal, newly setting the transmission rate according to a change of the buffering information, editing the moving picture mail according to the newly set transmission rate, and performing a transmission operation. [fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lee with the device of Yamaguchi to allow the picture mail with the edited text to be encoded then transmitted to the second user so that the use able to receive both picture mail and text information.

15. As to claim 6, Yamaguchi (modified by Lee) teaches the step of newly setting the transmission rate comprises the step of: confirming a new transmission rate based upon the buffering information transmitted from the second mobile terminal through a transmission rate change table and setting the confirmed new transmission rate, [Lee- fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2] the moving picture mail server including the transmission rate change table corresponding to the buffering information. [Lee - fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2]

16. As to claim 7, Yamaguchi (modified by Lee) teaches performing an editing operation by reducing a size of an image frame according to the newly set transmission rate so that image data can be reproduced in real time. [Lee - abstract; col. 2 lines 41-65; fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2; col. 6 lines 13-20]

17. As to claim 8, Yamaguchi (modified by Lee) teaches receiving the moving picture mail from the moving picture mail server, storing the received moving picture mail in a buffer of the second mobile terminal, reproducing data of the received moving picture mail, and buffering other data of the received moving picture mail when an amount of data accumulated in the buffer has reached a predetermined size or more; [Lee- fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2] allowing the second mobile terminal to generate buffering information based upon the amount of data accumulated in the buffer at a predetermined time interval and to transmit the buffering information to the moving picture mail server; [Lee- fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2] and repeatedly performing an operation for receiving moving picture mail from the moving picture mail server according to a newly set transmission rate based upon the buffering information, storing the moving picture mail in the buffer, and reproducing the moving picture mail. [Lee- fig. 5; col. 12 lines 8-51; col. 6 lines 56-64; fig. 2]

18. As to claim 9, Yamaguchi (modified by Lee) teaches checking the amount of data accumulated in the buffer at a predetermined time; [fig. 3; col. 8 line 44 - col. 9 line 14] and deciding the buffering information according to the amount of data accumulated in the buffer and transmitting the determined buffering information to the moving picture mail server. [fig. 3; col. 8 line 44 - col. 9 line 14]

19. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi US 6,693,510 B1 in view of Jabri et al US 7,020,196 B2.

20. As to claim 10, Yamaguchi teaches a first mobile terminal equipped with a first codec for transmitting moving picture mail coded by the first codec; [abstract; figs. 1(6);

figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] a second mobile terminal equipped with a second codec for decoding received moving picture mail by the second codec; [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5]

Yamaguchi does not explicitly teach a moving picture mail server; and a transcoding server; wherein the moving picture mail server comprises: a database for storing codec information of the first and second mobile terminals; a transmission controller for confirming a coding technique for the moving picture mail transmitted from the first mobile terminal and confirms a image provided in the second mobile terminal to output codec information and generating a path control signal of the moving picture mail on the basis of the codec information; and a switch for setting a first path for receiving the moving picture mail from the first mobile terminal and a second path for outputting the moving picture mail to the second mobile terminal, according to the path control signal; wherein the transcoding server comprises a coding controller, a first codec and a second codec in which: the coding controller generates a selection control signal for selecting the first codec corresponding to the first mobile terminal and the second codec corresponding to the second mobile terminal according to the codec information output from the transmission controller; the first codec selected by the coding controller, decodes the moving picture mail received from the first mobile terminal through the first path; and the second codec for performs a transcoding operation by coding the moving picture mail so that the second mobile terminal can decode the coded moving picture mail and outputs a result of the transcoding operation to the second path.

Jabri teaches a moving picture mail server; [abstract; col. 8 lines 56-61; col. 10 line 42 - col. 11 line 14] and a transcoding server; [col. 5 lines 51-67] wherein the moving picture mail server comprises: a database for storing codec information of the first and second mobile terminals; [col. 10 line 58 - col. 11 line 14] a transmission controller for confirming a coding technique for the moving picture mail transmitted from the first mobile terminal and confirms a image provided in the second mobile terminal to output codec information and generating a path control signal of the moving picture mail on the basis of the codec information; [fig. 5; col. 8 line 62 - col. 9 line 8] and a switch for setting a first path for receiving the moving picture mail from the first mobile terminal and a second path for outputting the moving picture mail to the second mobile terminal, according to the path control signal; [fig. 5; col. 8 line 62 - col. 9 line 8; col. 10 line 58 - col. 11 line 14] wherein the transcoding server comprises a coding controller, a first codec and a second codec in which: the coding controller generates a selection control signal for selecting the first codec corresponding to the first mobile terminal and the second codec corresponding to the second mobile terminal according to the codec information output from the transmission controller; [fig. 5; col. 8 line 62 - col. 9 line 8; col. 10 line 58 - col. 11 line 14] the first codec selected by the coding controller, decodes the moving picture mail received from the first mobile terminal through the first path; [fig. 2; fig. 5; col. 7 lines 9-39; col. 8 line 62 - col. 9 line 8] and the second codec for performs a transcoding operation by coding the moving picture mail so that the second mobile terminal can decode the coded moving picture mail and outputs a result

of the transcoding operation to the second path. [fig. 2; fig. 5; col. 7 lines 9-39; col. 8 line 62 - col. 9 line 8]

It would have been obvious to one of ordinary skill in the art to combine the teachings of Jabri with the device of Yamaguchi allowing for method of information transfer between a source and destination. [col. 2 lines 60-62]

21. As to claim 11, Yamaguchi (modified by Jabri) teaches the first codec comprises a Joint Photographic Expert Group (JPEG) codec. [Yamaguchi - col. 7 lines 31-45]

22. Claim12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi US 6,693,510 B1 in view of Jabri et al US 7,020,196 B2 further in view of Fukuhara et al. (Fukuhara) US 6,591017 B1

23. As to claim 12, Yamaguchi (modified by Jabri) teaches the limitations of claim 10.

Yamaguchi is silent as to the use a wavelet codec.

Fukuhara teaches the use of a wavelet codec. [fig. 5; col. 12 lines 9-13]

It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Fukuhara with the device of Yamaguchi (modified by Jabri) to allow for coding efficiency.

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yokoyama US 7,130,618 B2; Singh US 2002/0115477 A1; Lev et al US 2005/0143136 A1; Suzuki et al. US 7,020,196 B2; Lord US 2004/0209649 A1; Kondo et al. US 7,313,386 B2; Barrus et al. US 6,784,899 A1; Oura et al. US 2003/0007556 A1; Suh et al. US 6,798,915 B2; Queiroz et al., Wavelet Transforms in

JPEG-Like Image Color, IEEE Transactions on Circuits and Systems for Video Technology, Vol. 7, No. 2, April 1997.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNER HOLDER whose telephone number is (571)270-1549. The examiner can normally be reached on M-Th, M-F 8 am - 3 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anner Holder/
Examiner, Art Unit 2621 12/18/08

/Tung Vo/
Primary Examiner, Art Unit 2621